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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,388	12/12/2003	Andrew Julian Gartrell	042933/267830	9758

826 7590 03/22/2006

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER
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NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/734,388	Applicant(s) GARTRELL, ANDREW JULIAN	
	Examiner Quynh H. Nguyen	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on amendment and remarks file 1/6/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-37 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-34 is/are allowed.
- 6) ☒ Claim(s) 1,13-15, 22-31, and 35-37 is/are rejected.
- 7) ☒ Claim(s) 2-9,11,12 and 16-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed 1/6/06 has been entered. Claims 1-2, 22, and 32 have been amended. Claim 10 has been cancelled. Claims 35-37 have been added. Claims 1-9 and 11-37 are still pending in this application, with claims 1, 22, and 32 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claims 1, 13-15, 22-23, 25-26, and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Snell (US 5,383,091).

Regarding claim 1, Snell teaches an assembly for a mobile terminal, comprising: a chassis (10), wherein said chassis (10) comprises a continuous first locking perimeter (22); a first elastomeric covering (20; col. 2, line 24) capable of being removably secured to said chassis (10) at said first locking perimeter (22), wherein said first covering (2) comprises a first locking edge (23) for securing said first covering (20) to said chassis (10) by interlocking said first locking edge (23) and said first locking perimeter (22); and an electronic device (cellular phone circuitry/device inside 10) retained by said chassis (10).

Regarding claim 13, Snell teaches the first locking perimeter (22) and said first locking edge (23) define a convex surface (Fig. 6, areas of 23, 23B, 23D).

Regarding claim 14, Snell teaches the first locking perimeter (22) and the first locking edge (23) define a concave surface (Fig. 6, areas of 23, 23B, 23D).

Regarding claim 15, Snell teaches the first locking edge (23) extends outwardly from the chassis (10) and the first locking perimeter (22) to define a ridge at the intersection of the first locking edge (23) and the first locking perimeter (22).

Regarding claim 22, Snell teaches an interlocking body cover, comprising: a membrane with a first surface (front) and a second surface (bottom), an inner section (inner side), and an outer perimeter (see area of 23); and an elastomeric locking edge (23) along said outer perimeter directed downwardly from said second surface and towards said inner section, wherein said elastomeric locking edge is configured to be removably secured to an interlocking chassis without disassembly of the chassis (abstract; col. 2, lines 47-50; col. 3, lines 14-23).

Regarding claim 23, Snell teaches at least part of said membrane is a translucent material (see 12).

Regarding claims 25 and 26, Snell teaches said membrane defines a circumscribed void or a display window (display widow in 12) there through.

Regarding claims 35-37, Snell teaches the first locking edge (23) extends outwardly from the chassis (10) and the first locking perimeter (22) to define a discontinuous, neutral, and continuous intersection of the first locking edge (23) and the

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first locking perimeter (22) (col. 2, line 25 through col. 3, line 38).

***Claim Rejections - 35 USC § 103***

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snell in view of Blackburn (2005/0022924).

Regarding claim 24, Snell differs from the claimed invention in that it does not teach a multicolored material.

Blackburn teaches providing a multicolored material for a cover (see paragraph 0027 in Blackburn).

Hence, it would have been obvious for one of ordinary skill in the art to modify Snell's membrane cover with a multicolored material as taught by Blackburn, such that it allow the combination to customize a device in a manner that will permit the owner of the device to personally select the finish of the device (paragraphs 0006 in Blackburn).

5. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell in view of Powell (6,701,159).

Regarding claims 27-31, Snell teaches a cellular telephone (Fig. 1) and its keypad (11).

Snell differs from the claimed invention in that Snell does not teach the second surface defines a flexible keymat comprises a plurality of actuators, grooves between at least two of the actuators wherein the plurality of actuators define at least a numeric

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keypad; and the keymat comprises grooves between rows of the actuators defining a numeric keypad.

Powell teaches a cellular telephone is generic for portable devices which have numeric keypad 26; an opening 34 for the monitor 24 and keypad 26; grooves between at least two of the actuators wherein the plurality of actuators define at least a numeric keypad (col. 3, line 63 through col. 4, line 4).

It would have been obvious for one of ordinary skill in the art to apply Powell's concept in a communication environment which involve numeric keypad as taught by Powell into the teachings of Snell; this simply can be considered as an intended use of Powell, provided that the basic concept of housing the radio device is substantially unchanged. What Snell and Powell do not teach is the keymat. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the opening 34 for the monitor 24 and keypad 26 to become an opening for monitor 23 and keymat for keypad 26 in order to increase the protective enclosure of the cellular telephone.

### ***Allowable Subject Matter***

6. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-9, 11-12, and 16-21 are objected because they are depends on objected claim 2.

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Claims 32-34 allowed.

As to claim 32, the prior art of record fails to teach, or render obvious, alone or in combination an interlocking chassis, comprising: a rigid circumferential frame with an outer surface, an inner surface, a first surface, a second surface, a front edge, and a rear edge, where said front edge comprises a continuous first locking perimeter, and wherein said rear edge comprises a continuous second locking perimeter, where said frame is configured to have an elastomeric locking edge of a first membrane removably secured to the first locking perimeter and to have an elastomeric locking edge of a second membrane removably secured to the second locking perimeter without disassembly of the frame comprising the claimed means and their components, relationships, and functionalities as specifically recited in claim 32.

Claims 33 and 34 are allowed because they depend on allowed claim 32.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-9 and 11-37 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

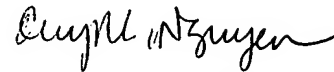
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Mon.-Thu. from 6:15AM - 5:45PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quynh H. Nguyen  
Patent Examiner  
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